IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 25953 of 2006(M)

PETITIONER:

THUMBOOR SERVICE CO-OPERATIVE BANK LTD.,
REPRESENTED BY ITS SECRETARY,
THUMBOOR P.O., TRICHUR DISTRICT.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM
SRI.THOMAS GEORGE

RESPONDENTS:

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1. THE REGIONAL JOINT LABOUR COMMISSIONER,
APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT, ERNAKULAM.

2. K.M.JOHNY,
KONKOTH HOUSE, THUMBOOR P.O.,
TRICHUR DISTRICT.

3. THE DISTRICT LABOUR OFFICER,
TRICHUR.

BY ADV. SRI.P.RAMAKRISHNAN
G.P. SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 OBJECTION DT 17.10.02.

P2 ORDER DT 12.5.05 OF THE DISTRICT LABOUR OFFICER.

P3 JUDGMENT DT 28.2.06.

P4 JUDGMENT DT 23.5.06.

P5 APPEAL DT 8.6.06.

P6 ORDER DT 26.9.06 ISSUED BY R1.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 25953 OF 2006 M

Dated this the 7th day of December, 2006

J U D G M E N T

Eventhough counsel for the 2nd respondent contended that pre-deposit of the amount is a condition for maintainability of appeal filed against the order of directing payment of gratuity, it is seen from Ext.P4 judgment that Division Bench has deferred payment until disposal of appeal, if filed, within two weeks. It is reported that time for filing appeal was extended and, therefore, Ext.P4 judgment operates as a stay against payment and recovery. Moreover, since petitioner is a Co-operative bank, recovery could be made if demand is sustained.

In the circumstances, writ petition is disposed of directing 1st respondent to dispose of the appeal, within two months from date of production of a copy of this judgment by 2nd respondent or petitioner. However, if appeal was not filed within the time extended by Division Bench, then consequences will follow.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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